

### **REMARKS**

Claims 42-45 are pending in the subject application.

Applicants have canceled claims 36, 38, 39, and 41 in favor of new claims 42-45.

The changes to the claims made herein do not introduce any new matter.

#### **Rejection Under 35 U.S.C. § 112**

In the Office Action, the Examiner rejected claims 36, 38, 39, and 41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In light of the cancellation of claims 36, 38, 39, and 41, this rejection under 35 U.S.C. § 112, first paragraph, is moot.

#### **Rejection Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 36, 38, 39, and 41 under 35 U.S.C. § 103(a) as being unpatentable over *Tamura et al.* (“*Tamura*”) (US 6,806,978 B1) in view of *Hannah* (US 5,784,581). As noted above, Applicants have canceled claims 36, 38, 39, and 41. As such, the obviousness rejection of claims 36, 38, 39, and 41 is moot.

#### **New Claims**

As noted above, Applicants have added claims 42-45. Claims 42-44 correspond to claims 1, 5, and 6, respectively, of Japanese Patent No. 3636358, which issued from one of the Japanese applications from which the subject application claims priority (JP 2002-056675). Claim 45 corresponds to claim 1 of Japanese Patent No. 3636359, which issued from the other of the Japanese applications from which the subject application claims priority (JP 2002-056676). As such, claims 42-45 are supported by Applicants’ disclosure.

To the extent that the obviousness rejection based on the combination of the *Tamura* and *Hannah* references might be considered applicable to claims 42-45, Applicants believe that the subject matter defined in claims 42-45 includes numerous features that are neither shown nor suggested in either the *Tamura* or *Hannah* references. Thus, even if one having ordinary skill in the art were to combine the *Tamura* and *Hannah* references in the manner

proposed by the Examiner, the result of this combination would not have included each and every feature of the subject matter defined in claims 42-45.

Accordingly, claims 42-45 are believed to be patentable under 35 U.S.C. § 103(a) over the combination of *Tamura* in view of *Hannah*.

Conclusion

In view of the foregoing, Applicants respectfully request examination of claims 42-45, and submit that these claims are in condition for allowance. Accordingly, issuance of a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. NGBCP007).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

/Peter B. Martine/

Peter B. Martine  
Registration No. 32,043

710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085  
**Customer No. 25920**